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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,
Plaintiff,
v.
SALVADOR LOMELI,
Defendant.

No. 3:16-mj-70454 SK

**STIPULATION AND [Proposed] ORDER TO
CONTINUE HEARING AND TO EXCLUDE
TIME**

Date: June 2, 2016
Time: 9:30 a.m.

This matter is set for a preliminary hearing or arraignment on an indictment before this Court on June 2, 2016. The parties request that this matter be continued to June 8, 2016 at 9:30 a.m. for further setting. Pursuant to Fed. R. Crim. P. 5.1(d), the defendant consents to extending the time limits set forth in Fed. R. Crim. P. 5.1(c) to exclude from the 21-day limit the time from June 2, 2016 to the newly proposed hearing date June 8, 2016 to accommodate this request, and defense counsel needs to obtain and review discovery, to conduct investigation, and to otherwise prepare the defense. As a result, the parties request that the Court exclude time between June 2, 2016 and June 8, 2016 for effective preparation of defense counsel, taking into account the exercise of due diligence, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). The extension is not sought for delay, and the parties agree the

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1 ends of justice served by granting the continuance outweigh the best interests of the public and the
2 defendant in a speedy trial.

3 Dated: May 26, 2016

Brian J. Stretch
United States Attorney

7 Dated: May 26, 2016

5 /S/
6 Laura Vartain-Horne
Matthew L. McCarthy
7 Assistant United States Attorneys

8 /S/
9 Mark R. Vermeulen
Attorney for Defendant
10 SALVADOR LOMELI

11 **ORDER**

12 IT IS HEREBY ORDERED that this matter is continued to June 8, 2016 at 9:30 a.m. for further
13 setting.

14 IT IS FURTHER ORDERED that pursuant to Fed. R. Crim. P. 5.1(d), the 21-day limit set forth
15 in Fed. R. Crim. P. 5.1(c) shall be extended, such that the 21-day limit shall run from June 8, 2016.

16 IT IS FURTHER ORDERED that time between June 2, 2016 and June 8, 2016 is excluded
17 pursuant to the Speedy Trial Act for effective preparation of defense counsel, taking into account the
18 exercise of due diligence, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv). Based upon the
19 parties' stipulation, the Court finds that the extension is not sought for delay, and the ends of justice
20 served by granting the continuance outweigh the best interests of the public and the defendant in a
21 speedy trial.

22 IT IS SO ORDERED.

23 Dated: May 27, 2016



24 Nandor J. Vadas
United States Magistrate Judge